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**Re. Notice of Non-Compliant Amendment, Application 09/787/002, Art Unit 2666**

Dear Sir,

in "Response to Amendment" of April 25, 2005., in section I. it is stated that

1. "annexes to the IPER were not entered"
2. "claims 1-15 were examined as presented in publication WO 00/21244"
3. "amendment of January 12, 2005. should have shown changes to the claims in relation to the claims of publication WO 00/21244"

However, inspecting WO 00/21244 (set of 15 claims), Amendments of Oct. 04, 2000. under IPEA (set of 14 claims) and Office action of Oct. 26, 2004., it is **still not clear** what document is used as the basis of examination.

Analyzing Claim 1:

1. In WO 00/21244 Claim 1 is only 4 lines long
2. In IPEA Amendments, Claim 1 is 17 lines long
3. In Office action Art Unit 2666, Detailed action, examiner Jesse N. Alexander, Claim Objections for Claim 1, page 5, line 14 of Claim 1 is referenced, with text appropriate to IPEA version.

Numerous other examples can be found. Here one can conclude:

1. **Formal status** of IPEA Amendments is "not entered"
2. **Actual status** is, that examiners are using the IPEA Amendment version (set of 14 claims)
3. IPEA Amendments were entered, but by **administrative error** are formally not recognized.

In this situation, two actions are possible:

1. To correct formal status of IPEA Amendment to "entered" and proceed with 14 claims version
  2. To follow current "not entered" status of IPEA Amendment, and proceed with 15 claims version.
- In this case, examiners must go back and use the original WO 00/21244 document.

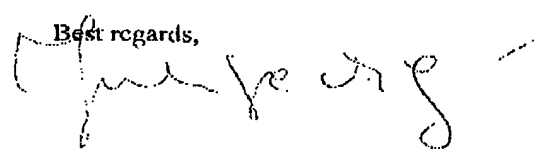
The problem is, that the original WO 00/21244 set of 15 claims differs significantly from the amended and examined set of 14 claims, i.e. formula references are replaced with formulas. Applicant needs the advice from examiner about the proper action to amend the 15 claims to the form wanted (e.g. whether to cancel all 15 claims and just add "New" 14 claims, or to proceed with "Currently amended" claim status).

Before applicant can proceed with amendments, it is absolutely necessary to unambiguously establish common formal and actual basis for examination.

Time period of one month may not be sufficient to solve this problem, and extension of time is appreciated.

Split, May 19, 2005.

Best regards,



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